

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

DAVID WILLIAMS, #83234

PLAINTIFF

VERSUS

CAUSE NO.: 2:17-CV-152-KS-MTP

JASON MYERS, ET AL.

DEFENDANTS

**JASON MYERS MOTION TO
SUBSTITUTE JOSEPH WHITE AS DEFENDANT**

Comes now Jason Myers, by and through counsel, and moves to substitute Joseph White in his stead as a defendant. In support of the same, the moving defendant would show unto the Court as follows:

1. This matter arises out of Plaintiff's December 14, 2016, arrest by Deputies Joseph White and Jason Myers. *CM/ECF Doc. No. 1*. Plaintiff admits that officers had to pursue him to subdue him. *Id.*

2. Plaintiff, however, alleges that Deputy Myers Tased him multiple times during and after the arrest. *Id.*

3. While Deputy Myers was involved with Plaintiff's arrest, Deputy Joseph White was the officer who was forced to utilize a Taser to subdue the Plaintiff. While Deputy White did not use excessive force, he was the officer who was required to utilize the Taser NOT Deputy Myers. *Affidavit of J. Myers*, ¶ 6, attached hereto as Exhibit A; *Affidavit of J. Welbourn* ¶ 3, attached hereto as Exhibit B.

4. Deputy Myers is a member of the 155th Armored Brigade Combat Team, Mississippi National Guard and is being deployed on February 17, 2017, for an

undetermined amount of time (up to 400 days). *J. Myers Aff.* ¶ 7. Because Deputy Myers is soon to be deployed, he would ask that this Court consider this Motion on an emergency basis as expeditiously as possible.

DATE: March 7, 2018.

Respectfully submitted,

JASON MYERS

BY: /s/William R. Allen
One of His Attorneys

WILLIAM R. ALLEN (MSB #100541)
KATELYN A. RILEY (MSB #105115)
Allen, Allen, Breeland & Allen, PLLC
214 Justice Street
P. O. Box 751
Brookhaven, MS 39602-0751
Tel. 601-833-4361
Fax 601-833-6647
Email: wallen@aabalegal.com
Email: kriley@aabalegal.com

CERTIFICATE

I, the undersigned of Allen, Allen, Breeland & Allen, PLLC, hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participant:

David Williams, 83234
Jones County Jail
5178 Highway 11 N.
Ellisville, MS 39437

This the 7th day of March, 2018.

/s/William R. Allen
OF COUNSEL